

Final publishing of bureau assessment report.

- (A) The department shall consider comments received pursuant to rules 3701:1-40-34 and 3701:1-40-37 of this chapter and prepare a final bureau assessment report that contains the elements specified in rule 3701:1-40-34 of the Administrative Code.
- (B) The final bureau assessment report shall contain all of the following:
- (1) A summary of responses to any relevant comments received on the draft bureau assessment report or on any supplement to the draft bureau assessment report;
 - (2) A discussion of any relevant opposing view not adequately discussed in the draft bureau assessment report or in any supplement to the draft bureau assessment report, and a response to the issues raised;
 - (3) A statement on how the alternatives considered in it and decisions based on it will or will not achieve the requirements of any relevant and applicable environmental laws and policies; and
 - (4) A final analysis and a final recommendation on the action to be taken.
- (C) If the proposed action has not been taken, the department will prepare a supplement to a final bureau assessment report for which a notice of availability has been published as provided in rule 3701:1-40-37 of the Administrative Code, if:
- (1) There are substantial changes in the proposed action that are relevant to environmental concerns; or
 - (2) There are significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts.
- The supplement shall contain a request for comments as provided in rule 3701:1-40-34 of the Administrative Code, and a notice of availability shall be published in applicable local newspapers as provided in rule 3701:1-40-37 of the Administrative Code. If comments are not requested, a notice of availability of a supplement to a final bureau assessment report shall be published as provided in rule 3701:1-40-37 of the Administrative Code.
- (D) The supplement to a final bureau assessment report will be prepared in the same manner as the final bureau assessment report.
- (E) A copy of the final bureau assessment report will be distributed to the following:
- (1) The Ohio environmental protection agency;
 - (2) The applicant;
 - (3) Appropriate federal, state, regional and metropolitan clearinghouses; and

(4) Each person providing comment.

Additional copies will be made available by request to the department.

- (F) If the final bureau assessment report is unusually long, or there are so many comments on a draft bureau assessment report or any supplement to a draft bureau assessment report that distribution of the entire final report to all persons providing comments is impracticable, a summary of the final statement and the substantive comments may be distributed.
- (G) A supplement to a final bureau assessment report shall be distributed in the same manner as the final bureau assessment report to which it relates.
- (H) News releases stating the availability and place for obtaining or inspecting a final bureau assessment report or supplement shall be provided to area newspapers where the proposed action is to occur and other appropriate media.
- (I) A notice of availability will be published in accordance with rule 3701:1-40-37 of the Administrative Code.
- (J) The final bureau assessment report, together with any comments and any supplement, will accompany the application and be considered in the director's decision-making process. The final bureau assessment report, together with any comments and any supplement, will be made a part of the record of any adjudicatory proceeding resulting from the director's decision.

Five Year Review (FYR) Dates: 04/10/2015 and 04/01/2020

CERTIFIED ELECTRONICALLY

Certification

04/10/2015

Date

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